

COMMONWEALTH OF MASSACHUSETTS

CITY OF LOWELL

In City Council

ORDER

To Vacate, Discontinue and Abandon Certain Public Interests, Rights and Easements in a portion of Montreal Street in the City of Lowell.

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The City of Lowell desires to vacate, discontinue and abandon a portion of Montreal Street more fully hereinafter described; and

There is no further municipal need for said portion of Montreal Street to be used as a street; and

The City Council of the City of Lowell having ordered, adjudged and decreed to vacate, discontinue and abandon any and all public interests, rights and easements, if any, on a portion of Montreal Street through an December 12, 2017 Order annexed hereto as Attachment "A"; and

The description of the portion of Montreal Street to be vacated, discontinued and abandoned having been modified through a revised survey and plan and the City Council desiring to amend its prior Order to vacate, discontinue and abandon the portion of Montreal Street referenced in the revised description and plan annexed hereto;

BE IT ORDERED, ADJUDGED AND DECREED by the City Council of the City of Lowell as follows:

That common convenience and necessity require that the City of Lowell vacate, discontinue and abandon any and all public interests, rights and easements, if any, in the portion of Montreal Street hereinafter described as Parcel D, annexed hereto as Attachment "B" and made a part hereof and as shown on the Plan hereinafter referred to as Attachment "C" annexed hereto and made a part hereof and the same is hereby discontinued as a public street or way or other public right of way in the City of Lowell.

Also as a further condition and part of this Order, that upon the abandonment and discontinuance herein, the City of Lowell and its designated utility company shall have the right of easement to maintain, repair, change or re-route all sewer lines, drains, water, electrical, telephone, cable and gas lines at or under said abandoned areas, and that such work be performed under the supervision of the Department of Public Works, Engineering, Lowell Regional Water Utility and Lowell Regional Wastewater Utility.

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ORDER

To Vacate, Discontinue and Abandon Certain Public Interests, Rights and Easements in a portion of Montreal Street in the City of Lowell.

-----

The City of Lowell desires to vacate, discontinue and abandon a portion of Montreal Street, more fully hereinafter described; and

There is no further municipal need for said portion of Montreal Street be used as a street; and

The City of Lowell desires and finds common convenience and necessity to vacate and discontinue and abandon any and all public interests, rights and easements in the portion of Montreal Street, hereinafter described on Attachment "A", annexed hereto made a part hereof; and

Upon abandonment of said public interest in said portion of Montreal Street, title free of said public easements is in the abutting property owners to the mid-line of said abandoned area and shall henceforth be assessed to said abutters for real estate tax purposes.

BE IT ORDERED, ADJUDGED AND DECREED by the City Council of the City of Lowell as follows:

That common convenience and necessity require that the City of Lowell vacate, discontinue and abandon any and all public interests, rights and easements, if any, in the portion of Montreal Street hereinafter described on Attachment "A", annexed hereto and made a part hereof, and shown on the plan hereinafter referred to as Attachment "C", annexed hereto and made a part hereof and the same is hereby discontinued as a public street or way or other public right of way in the City of Lowell.

"A"

Also as a further condition and part of this Order, that upon the abandonment and discontinuance herein, that the City of Lowell and its designated utility company shall have the right of easement to maintain, repair, change or re-route all sewer lines, drains, water, electrical, telephone, cable and gas lines at or under said abandoned area, and that such work be performed under the supervision of the Department of Public Works, Engineering, Lowell Regional Water Utility and Lowell Regional Wastewater Utility.

Also, a further condition and part of this Order is that, upon the abandonment and discontinuance herein, the abutting owners to the mid-line of said abandoned area shall henceforth be picked up for assessment purposes by the City of Lowell Board of Assessors. The abutting owners as shown on the certified Abutters List hereinafter described on Attachment "B", annexed hereto made a part hereof; and

Also as a further condition and part of this Order, said Order shall be recorded forthwith by and at the expense of the Petitioner at the Middlesex North District Registry of Deeds.

Also as a further condition and part of this Order is that upon the abandonment and discontinuance herein, the City Manager shall have the authority to convey the discontinued portion of Montreal Street to the Veterans of Foreign Wars or Nominee as approved by the City Manager, on terms and conditions as the City Manager deems in the best interest of the City of Lowell.

In City Council November 14, 2017, Given 1<sup>st</sup> Reading and hearing ordered for 7PM on December 5, 2017. So Voted./s/Michael Q. Geary, City Clerk

In City Council December 5, 2017, Given 2<sup>nd</sup> Reading and hearing held. Hearing Closed. No Remonstrants. Referred to the City Clerk's office for 7 days. So Voted./s/Michael Q. Geary, City Clerk

In City Council December 12, 2017, adopted on roll call vote 9 yeas. So Voted./s/Michael Q. Geary, City Clerk

Approved by City Manager Kevin J. Murphy December 13, 2017.

A true copy

ATTEST:



Michael Q. Geary  
City Clerk

Order-abandonportionmontreal



**Parcel D**

A certain parcel of land, with all improvements thereon, located in Lowell, Middlesex County, Massachusetts, situated on the southerly sideline of Montreal Street being shown as Portion of Montreal Street to Be Discontinued on a plan entitled "Partial Discontinuance Plan for Eaton Street and Montreal Street" dated January 18, 2019 and prepared by WSP USA Inc.

Beginning at a point on the former easterly sideline of Eaton Street and the northwest corner of land now or formerly Veterans of Foreign Wars, said point being the southwest corner of the parcel described hereon. Thence,

Along the former easterly portion of Eaton Street;

N 13°25'00" E thirteen and 88/100 feet (13.88') to a point. Thence,

Along the southerly line of Montreal Street,

S 76°10'55" E two hundred fifty and 32/100 feet (250.32') to a point. Thence,

S 13°21'54" W twelve and 93/100 feet (12.93') to a point on the northerly line of land now or formerly Veterans of Foreign Wars. Thence,

Along the northerly line of said land,

N 76°24'02" W two hundred fifty and 33/100 feet (250.33') to the point of beginning.

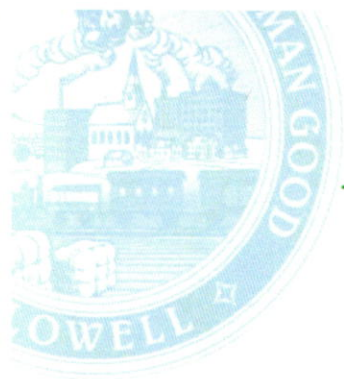
Said discontinued area of Montreal Street containing 3,356 square feet more or less.

"B"



RE: 198 PLAIN ST

VETERANS OF FOREIGN WARS  
C/O JAMES H GOLDEN  
190 PLAIN ST  
LOWELL, MA 01852



## City of Lowell - Law Department

375 Merrimack Street, 3<sup>rd</sup> Floor • Lowell MA 01852-5909  
Tel: 978.674.4050 • Fax: 978.453.1510 • [www.lowellma.gov](http://www.lowellma.gov)

Christine P. O'Connor  
*City Solicitor*

Rachel M. Brown  
*1<sup>st</sup> Assistant City Solicitor*

Gary D. Gordon  
John Richard Hucksam, Jr.  
Adam LaGrassa  
Stacie M. Moeser  
Elliott J. Veloso  
*Assistant City Solicitors*

August 23, 2019

City Manager Eileen M. Donoghue  
Mayor William Samaras  
Members of the City Council

RE: Order to Abandon Portion of Montreal Street

Dear Manager Donoghue, Mayor Samaras and Members of the City Council:

Enclosed is an Order for Abandonment of Portion of Montreal Street.

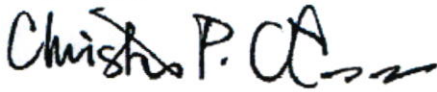
The Order of Abandonment must follow the hearing process outlined below:

Procedure for Street Construction or Vacation, under Code of Ordinances of City of Lowell,  
Article III §243-13, §243-14 and §243-15;

1. Proposed Order of Abandonment is submitted to City Council;
2. Refer Order to a Council Committee or as a Committee of the Whole;
3. City Council sitting as a Committee of the Whole shall hold a public hearing and given notice at least seven (7) days in advance thereof by:
  - (a) Posting
  - (b) Service by Constable on the abutters
4. Committee hearing shall:
  - (a) Hear parties
  - (b) View (if requested)
  - (c) Report to full Council

5. Report of the Council and the Order issued by the Council shall contain:
  - (a) Recommendation to abandon, or not
  - (b) Finding of common convenience and necessity
  - (c) Report boundaries
6. Order then remains in the City Clerk's office for seven (97) days before Council votes thereon; and
7. After seven (97) days Council to hear parties in interest and to vote on the Order of Abandonment.

Very truly yours,

A handwritten signature in black ink, appearing to read "Christine P. O'Connor", with a stylized flourish at the end.

Christine P. O'Connor  
City Solicitor

CPO:order:abandonmontrealst

Encls.

Cc: C. Clancy – City Engineer  
D. Tradd – DPD  
P. Lucken – DPD  
Planning Board  
S. Lemay - Assessor